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27 UNITED STATES DISTRICT COURT
28 NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

29 LORILLARD TOBACCO COMPANY, a
30 Delaware corporation,

31 Plaintiff,

32 v.

33 TENDERLOIN GROCERY, a business
34 entity; AHMED SAID, an individual; and
35 DOES 1 – 10 inclusive,

36 Defendants.

37 CASE NO. C05 3123 CW

38 STIPULATION AND ORDER RE: ADR

1 Plaintiff Lorillard Tobacco Company (“Lorillard”) and Defendants Tenderloin Grocery
 2 and Ahmed Said, hereby agree as follows:

3 WHEREAS, in the December 8, 2006, Case Management Order the Court referred the
 4 parties to Early Neutral Evaluation as an ADR process;

5 WHEREAS, counsel for defendants in this action also represents defendants in the
 6 *Lorillard v. Gladstone Market, et. al.*, C-05-3122 RMW and *Lorillard v. Barah Deli et. al.*, C-05-
 7 3125 JF. Counsel for Lorillard is also the same in all three cases. The *Gladstone Market* and
 8 *Barah Deli* cases involve the same claims as the present case;

9 WHEREAS, the parties in the *Gladstone Market* and *Barah Deli* cases are scheduled to
 10 participate in a settlement conference before Magistrate Lloyd on March 29, 2006;

11 WHEREAS, all parties believe that attempting to settle the present case and the *Gladstone*
 12 *Market* and *Barah Deli* cases at the same time will be more effective, will be a more efficient use
 13 of the resources of the ADR program and will be more likely to lead to a settlement of all three
 14 cases;

15 WHEREAS, Magistrate Judge Lloyd’s chambers has indicated that it is willing to conduct
 16 a settlement conference in this case on the same day as the settlement conferences in the
 17 *Gladstone Market* and *Barah Deli* cases;

18 WHEREAS, the parties respectfully request that the Court remove the present case from
 19 the ENE program and order that the parties participate in a settlement conference before
 20 Magistrate Judge Lloyd on the same day as the presently scheduled settlement conferences in the
 21 *Gladstone Market* and *Barah Deli* matters.

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1 IT IS THEREFORE STIPULATED THAT:

2 1. The case is removed from the ENE program and the parties shall conduct a settlement
3 conference before Magistrate Judge Lloyd on the same day, currently March 29, 2006, as the
4 presently scheduled settlement conferences in the *Gladstone Market* and *Barah Deli* matters.

5 SO STIPULATED:

6 Dated: _____, 2006

DLA PIPER RUDNICK GRAY CARY US
LLP

9 By: _____
10 THOMAS A. BURG
11 Attorneys for Plaintiff
12 LORILLARD TOBACCO COMPANY

13 Dated: _____, 2006

14 MICHAEL J. BLUMENFELD A
15 PROFESSIONAL CORPORATION

16 By: _____
17 CHERYL MARTINSEN
18 Attorneys for Defendants
19 TENDERLOIN GROCERY and
AHMED SAID

20 IT IS SO ORDERED.

21 3/2/06 _____

/s/ CLAUDIA WILKEN

22 Dated: _____

23 Hon. Claudia Wilken